

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Buechler et al.  
Title: USE OF THROMBUS  
PRECURSOR PROTEIN AND  
MONOCYTE  
CHEMOATTRACTANT  
PROTEIN AS DIAGNOSTIC  
AND PROGNOSTIC  
INDICATORS IN VASCULAR  
DISEASES  
Appl. No.: 10/728,067  
Filing Date: 12/3/2003  
Examiner: Jung, Unsu  
Art Unit: 1641  
Confirmation Number: 7956

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment-IDS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English and were cited in the Supplementary Partial European Search Report for EP Application No. 03 81 4398 and in the Supplementary European Search Report for EP Application No. 03 81 0896.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

### **FEE**

Fees in the amount of \$180.00 in accordance with 37 CFR §1.17(p) to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c) are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

06/22/2007

By

Barry S. Wilson

FOLEY & LARDNER LLP

Customer Number: 30542

Telephone: (858) 847-6722

Facsimile: (858) 792-6773

Richard Warburg, Reg. No. 32,327

By Barry S. Wilson, Reg. No. 39,431

Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  
**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

**Complete if Known**

<b>Application Number</b>	10/728,067
<b>Filing Date</b>	12/03/2003
<b>First Named Inventor</b>	Buechler et al.
<b>Art Unit</b>	1641
<b>Examiner Name</b>	Jung
<b>Attorney Docket Number</b>	071949-5604

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
--------------------	-----------------------	---	--------------------------------	--	--

**UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Application Document Serial Number-Kind Code <sup>2</sup> (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
--------------------	-----------------------	---	--	--	--

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code* Number* Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	A1	WO 96/032648	10-17-1996	Spectral Diagnostics, Inc.		
	A2	WO 00/052476	09-08-2000	Skye Pharmatech Incorporated		
	A3	WO 02/023191	03-21-2002	University of Sydney		
	A4	WO 02/059822	08-01-2002	Biowulf Technologies LLC		
	A5	WO 02/083913	10-24-2002	Biosite Diagnostics, Inc.		
	A6	WO 02/089657	11-14-2002	Biosite, Inc.		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A7	AY et al., Creatine kinase-MB elevation after stroke is not cardiac in origin: Comparison with troponin T levels. Stroke 33:286-289, 2002.	
	A8	BEN-DOR et al., Tissue classification with gene expression profiles. Proceedings of the Fourth Annual International Conference on Computational Molecular Biology, 2000, p. 54-64.	

Examiner  
Signature

Date  
Considered

\*EXAMINER: initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  
**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

**Complete if Known**

Application Number	10/728,067
Filing Date	12/03/2003
First Named Inventor	Buechler et al.
Art Unit	1641
Examiner Name	Jung
Attorney Docket Number	071949-5604

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A9	FUTTERMAN et al., Novel markers in the acute coronary syndrome: BNP, IL-6, PAPP-A, American Journal of Critical care, 11(2): 168-172, 2002.	
	A10	LAMERS et al., Cerebrospinal neuron-specific enolase, S-100 and myelin basic protein in neurological disorders. Acta Neurologica Scand 92:247-251, 1995.	
	A11	PERSSON et al., S-100 protein and neuron-specific enolase in cerebrospinal fluid and serum: markers of cell damage in human central nervous system. Stroke 18:911-918, 1987.	
	A12	QUINN et al., D-Dimers in the diagnosis of pulmonary embolism. Am J Respir Crit Care Med 159:1445-1449, 1999.	
	A13	SAGNELLA, Measurement and significance of circulating natriuretic peptides in cardiovascular disease. Clinical Science 95:519-529, 1998.	
	A14	SCHNEIDER et al., Fuzzy logic-based tumor-marker profiles improved sensitivity in the diagnosis of lung cancer. International Journal of Clinical Oncology, Churchill Livingston Japan, 7(3): 145-151, 2002.	
	A15	SONEL et al., Prospective study correlating fibrinopeptide A, Troponin I, myoglobin and myosin light chain levels with early and late Ischemic events in consecutive patients presenting to the emergency department with chest pain. Circulation 102:1107-1113, 2000.	
	A16	VEER et al., Gene expression profiling predicts clinical outcome of breast cancer. Nature, 415(6871): 530-536, 2002.	
	A17	VILLACORTA et al., The role of B-type natriuretic peptide in the diagnosis of congestive heart failure in patients presenting to an emergency department with dyspnea. Arg Bras Cardiol 79(6): 569-572, 2002.	
	A18	ZHANG et al., Recursive partitioning for tumor classification with gene expression microarray data. Proceedings of the National Academy of Sciences, 98(12): 6730-6735, 2001	

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application; Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO			<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			<b>Application Number</b>	10/728,067
			<b>Filing Date</b>	12/03/2003
			<b>First Named Inventor</b>	Buechler et al.
			<b>Art Unit</b>	1641
			<b>Examiner Name</b>	Jung
(use as many sheets as necessary)			<b>Attorney Docket Number</b>	071949-5604
Sheet	3	of	3	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A19	European Search Report for EP Application No. 03 81 0896.	
	A20	Supplementary Partial European Search Report for EP Application EP 03 81 4398	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.96. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.